

REMARKS

Claims 1, 2, 4, 5, 9, 10, 19 and 20 now remain pending in the present application, with claims 14, 15, 24, 25, 28 and 29 withdrawn from consideration because of a restriction requirement and therefore canceled herein.

35 USC 112 First Paragraph Rejection of Claims 1, 2, 4-8, 10, 13, 15-19 and 27-52

The Office Action rejected claims 1, 9, 19 and 29 as allegedly failing to comply with the enablement requirement under 35 USC 112. In particular, the Examiner alleged that there is no description in Applicants' specification for the claimed "synthesized ring tone". The Applicants respectfully disagree.

The Examiner is respectfully directed to Applicants' specification at page 13, lines 6-13 that read:

Moreover, in accordance with the principles of the present invention, an audible ring may be included in the output audio bit stream music so that a user listening to the MP3 music may hear the telephone ringing along with their music. To this extent, a synthesized tone may be summed with the played MP3 digital audio bit stream music at a level which is preferably distinctly audible to the user. The tone is preferably summed within the DSP 320 in digital form, but may be summed after the dual channel audio D/A 304 in accordance with the principles of the present invention.

The "synthesized tone" that is described in the middle of the paragraph is clearly referring to the audible ring that is described in the beginning of the paragraph. Reading the entire paragraph within context, Applicants' disclosure fully supports the claimed "synthesized ring tone".

It is respectfully submitted that claims 1, 9, 19 and 29 are in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4, 5 and 29 over Sato, Borland and Young

Claims 1, 2, 4, 5 and 29 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over JP027212829A to Sato et al. ("Sato") in view of U.S.

Pat. No. 6,556,965 to Borland et al. ("Borland"), and further in view of U.S. Pat. No. 5,694,467 to Young III ("Young"). The Applicants respectfully traverse the rejections.

Claims 1, 2, 4, 5 and 29 recite digitally summing a digitally synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music.

The Examiner acknowledges that Sato and Borland fail to disclose "a synthesized ring tone that is summed with an MPEG audio bit stream." (see Office Action, page 5) The Examiner relies on Young at col. 2, lines 9-24 to allegedly make up for the acknowledged deficiencies in Sato and Borland to arrive at the claimed features. The Applicants respectfully disagree.

Young at col. 2, lines 9-24 reads:

- 1) Bypass Mode (handset lifter down, mic position up or down). A Phone is used as a normal telephone that is answered with its handset, and a user headset is connected to a mixer with audio input from a Music Source, a mic detecting ambient noise, and the ring tone from the Phone.
- 2) Telephone Mode (handset lifter up, mic position down). The Phone is operated from the headset, the handset is disconnected, and the Music Source is paused.

Young discloses a mixer with audio input from a music source, a microphone detecting ambient noise, and a ring tone from a phone. Young's mixer is an analog mixer that inputs an analog ring tone, not a digital synthesized ring tone, as recited by claims 1, 2, 4, 5 and 29.

Moreover, Young's mixer 22 mixes audio input from a music source, a microphone detecting ambient noise, and a ring tone from a phone. Neither of the music source, the microphone signal, nor the ring tone from Young are digital signals. Yong fails to disclose, teach or suggest use of digital summation, much less digitally summing a digital synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music, as recited by claims 1, 2, 4, 5 and 29.

A benefit of digitally summing a digital synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music is, e.g., better control of what is heard by a user. Analog summation can result in a user not hearing ring tone if listening to music too loudly, and hearing a ring tone too loudly if a user is listening to music at a low volume. Digital summation allows greater control over a product produced by summation of digital data versus analog summation. The cited art fails to disclose, teach or suggest the Applicants' claimed features having such benefits.

For at least the reasons discussed above, claims 1, 2, 4, 5 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 10, 19 and 20 over Sato, Borland, Tuoriniemi and Young

Claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Borland and further in view of U.S. Patent No. 5,978,689 to Tuoriniemi et al. ("Tuoriniemi") and Young. The Applicants respectfully traverse the rejections.

Claims 9, 10, 19 and 20 recite digitally summing a digitally synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a user of a cordless telephone to hear the cordless telephone ringing along with music. As discussed above, Sato, Borland and Young, either alone or in combination, fail to disclose, teach or suggest such claimed features.

The Examiner relies on Tuoriniemi to allegedly make up for the acknowledged deficiencies in Sato, Borland and Young to arrive at the claimed features. The Applicants respectfully disagree.

Tuoriniemi discloses a personal communication and audio set that is able to play a stored digital audio program. (See Fig. 1; col. 9, lines 17-20) Tuoriniemi fails to disclose, teach or suggest any ring tone, much less a digitally synthesized ring tone, much less digitally summing a digitally synthesized ring tone with an MP3 audio bit stream and MPEG audio bit stream to allow a

user of a cordless telephone to hear the cordless telephone ringing along with music, as also recited by claims 9, 10, 19 and 20.

For at least the reasons discussed above, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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